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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,557	12/12/2003	William V. Da Palma	BOC9-2003-0115 (1082-27U)	2443
46322 7590 08/22/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER CHAWAN, VIJAY B	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,557

Applicant(s)

PALMA ET AL.

Examiner

Vijay B. Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Starkie (US 2006/0203980 A1).

As per claim 1, Starkie teaches a voice application simulation method comprising the steps of:

loading a user simulation script programmed to specify simulated voice interactions with the voice application (0029, 0041-0051);

deriving from the voice application a nominal output; generating a simulated output for the voice application corresponding to the nominal output (0029, 0041-0051);
and

conditionally producing a varying simulated input for the voice application(0029, 0041-0052).

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As per claim 2, Starkie teaches a method for simulating a dynamic run-time user interaction with a voice application, said method comprising the steps of:

loading a user simulation script programmed to specify simulated voice interactions with the voice application (0029, 0041-0051);

deriving from the voice application a nominal output; generating a simulated output for the voice application corresponding to the nominal output (0029, 0041-0051);

generating a first simulated input for the voice application corresponding to a first pre-determined user input to the voice application, if the nominal output satisfies a first condition (0029, 0041-0055); and

generating a second simulated input for the voice application corresponding to a second pre-determined user input to the voice application, if the nominal output satisfies a second condition different from the first condition (0029, 0041-0055).

As per claim 3, Starkie teaches the method of claim 2, wherein the user simulation script is specified in a customized mark-up language, the customized mark-up language having a set of one or more conditional tags (0064-0068).

As per claim 4, Starkie teaches the method of claim 3, wherein the customized mark-up language includes an internal variable for nominal output of the voice application (0064-0068).

As per claim 5, Starkie teaches the method of claim 4, further comprising the steps of:

setting the internal variable to equal the nominal output of the voice application; resolving a first conditional statement using a first conditional tag to generate the first

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simulated input if the internal variable equals a first nominal output of the voice application; and resolving a second conditional statement using a second conditional tag to generate the second simulated input if the internal variable equals a second nominal output of the voice application (0064 – 0069).

As per claim 6, Starkie teaches a machine readable storage having stored thereon a computer program for simulating a dynamic run-time user interaction with a voice application, said computer program comprising a routine set of instructions which when executed by a machine cause the machine to perform the steps of:

loading a user simulation script programmed to specify simulated voice interactions with the voice application (0029, 0041-0051);

deriving from the voice application a nominal output; generating a simulated output for the voice application corresponding to the nominal output (0029, 0041-0051);

generating a first simulated input for the voice application corresponding to a first pre-determined user input to the voice application, if the nominal output satisfies a first condition (0029, 0041-0055); and

generating a second simulated input for the voice application corresponding to a second pre-determined user input to the voice application, if the nominal output satisfies a second condition different from the first condition (0029, 0041-0055).

As per claim 7, Starkie teaches the machine readable storage of claim 6, wherein the user simulation script is specified in a customized mark-up language, the customized mark-up language having a set of one or more conditional tags (0064-68).

As per claim 8, Starkie teaches the machine readable storage claim 7, wherein the customized mark-up language includes an internal variable for nominal output of the voice application (0064-0068).

As per claim 9, Starkie teaches the machine readable storage claim 8, further causing said machine to perform the steps of: setting the internal variable to equal the nominal output of the voice application; resolving a first conditional statement using a first conditional tag to generate the first simulated input if the internal variable equals a first nominal output of the voice application; and resolving a second conditional statement using a second conditional tag to generate the second simulated input if the internal variable equals a second nominal output of the voice application (0064-0069).

As per claim 10, Starkie teaches a simulation tool for simulating a dynamic run-time user interaction with a voice application running on an application server, said tool being configured to load a user simulation script programmed to specify simulated voice interactions with the voice application (0029, 0041-0051), and to: (i) process the voice application to derive a nominal output of the voice application (0029, 0041-0051; (ii) process the user simulation script to generate a simulated output for the voice application corresponding to the nominal output (0029, 0041-0055); (iii) process the user simulation script to generate a first simulated input for the voice application corresponding to a first pre-determined user input to the voice application, if the nominal output satisfies a first condition (0029, 0041-0055); and (iv) process the user simulation script to generate a second simulated input for the voice application corresponding to a

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second pre-determined user input to the voice application, if the nominal output satisfies a second condition different from the first condition (0029, 0041-0055).

As per claim 11, Starkie teaches the simulation tool of claim 10, wherein the user simulation script is specified in a customized mark-up language, the customized mark-up language having a set of one or more conditional tags (0064-0068).

As per claim 12, Starkie teaches the simulation tool of claim 11, wherein the customized mark-up language includes an internal variable for nominal output of the voice application (0064-0068).

As per claim 13, Starkie teaches the simulation tool of claim 12, wherein the simulation tool is further configured to: (i) set the internal variable to equal the nominal output of the voice application; (ii) resolve a first conditional statement using a first conditional tag to generate the first simulated input if the internal variable equals a first nominal output of the voice application; and (iii) resolve a second conditional statement using a second conditional tag to generate the second simulated input if the internal variable equals a second nominal output of the voice application (0064-0069).


Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vijay B. Chawan
Primary Examiner
Art Unit 2626

VIJAY CHAWAN
PRIMARY EXAMINER

vbc
8/15/07